IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 4724 of 2003

Between:

B.Narasinga Rao, S/o.Ananda Rao
R/o. Thotapalli Village Bejjanki Mandal, Karimnagar District

..... PETITIONER

AND

1 The District Collector, Karimnagar
2 The District Panchayat Officer, Karimnagar Karimnagar District
3 The Chief Executive Officer, Zilla Praja Parishad, Karimnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly in the nature of Mandamus, declaring the action of the respondents herein in not issuing Way Bills in favour of the petitioner for transportation of Dyke Sand from Meyathummedavagu, Devakkapalli Village, Bejjanki Mandal, Karimnagar District, for which the petitioner is entitled in pursuance of the order No.A2/1732/02-P, dt.07-09-2002, issued by the first Respondent herein, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to issue way bills in favour of the petitioner, forthwith.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following :

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ORDER:

The District Collector invited applications for removing the sand accumulated due to construction of sub surface dyke, among other places, in Moyathummeda vagu in Devakapalli village. The quantity of sand available was 1,400 cubic meters. The petitioner submitted his bid quoting an amount of Rs.2,00,100/- (Rupees two lakh and one hundred only). After considering the same, the first respondent gave permission to the petitioner to remove the sand in Moyathummeda vagu in Devakapalli village within a period of fifteen days from 07.09.2002, on which proceedings were issued. The petitioner commenced the work and removed sand for a period of five days. However, when he was transporting sand, he was refused to issue way bills. Aggrieved by the same, the petitioner filed the present writ petition seeking a direction to the respondents to issue way bills permitting the petitioner to remove sand pursuant to the proceedings dated 07.09.2002 of the first respondent.

The learned counsel for the petitioner Ms.Vijaya Lakshmi strenuously contends that having validly given the permission to the petitioner, it was improper for the first respondent to issue proceedings letter No.A2/1732/02-PTS dated 23.01.2003 to refund the amount of Rs.1,61,512/- (Rupees one lakh sixty one thousand and five hundred twelve only) especially when the petitioner has already commenced operations for removal of sand for a period of five days. **Per contra**, the learned Special Government Pleader Sri A.Satya Prasad submits that the permission granted on 07.09.2002 by the District Collector was subsequently cancelled in view of the objections raised by the villagers and the amount of Rs.1,61,512/- (Rupees one lakh sixty one thousand and five hundred twelve only) was refunded. The petitioner also gave a letter dated 08.05.2003 accepting the amount without any demur. The copy of the letter made by the petitioner is produced before the Court. As the permission granted by the first respondent vide proceedings dated 07.09.2002 was itself cancelled, the petitioner cannot be said to have any right especially when he has already received the amount without any demur.

The writ petition is devoid of merit and is accordingly dismissed.

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(V.V.S.RAO,J)

14.09.2004.

Pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Karimnagar.
2. The District Panchayat Officer, Karimnagar, Karimnagar Dist.
3. The Chief Executive Officer, Zilla Praja Parishad, Karimnagar.
4. 2 CCs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.